

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JERRY W. YOUNG

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Case No. 10-11329  
Honorable Patrick J. Duggan

Defendant.

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**OPINION AND ORDER (1) DENYING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT AND (2) GRANTING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT**

On April 2, 2010, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Social Security Disability Insurance Benefits. On September 14, 2010, Plaintiff filed a motion for summary judgment. On December 10, 2010, Defendant filed a motion for summary judgment. This Court referred both motions to Magistrate Judge Charles E. Binder.

On May 23, 2011, Magistrate Judge Binder filed his Report and Recommendation (R&R) recommending that this Court deny Plaintiff's motion for summary judgment and grant Defendant's motion. (Doc. 17.) At the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. (*Id.* at 17.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Frontier Ins. Co.*

*v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder. Accordingly,

**IT IS ORDERED**, that Plaintiff's motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED**, that Defendant's motion for summary judgment is **GRANTED**.

Date: June 30, 2011

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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Theresa M. Urbanic, Esq.  
Magistrate Judge Charles E. Binder